

## REMARKS

### Claim Rejections - 35 U.S.C. § 103(a)

#### Claims 5-6, 9, 11-14, and 29-30

Claims 5-6, 9, 11-14 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,684,527 issued to Terui et al. (*Terui*), in view of U.S. Patent No. 5,771,306 issued to Stork et al. (*Stork*). Claims 11-14 and 30 have been canceled. Therefore, the rejection of these claims is moot. For at least the reasons set forth below, Applicant submits that claims 5, 6, 9 and 29 are not rendered obvious by *Terui* in view of *Stork*.

Independent claim 5 recites, in part, the following:

a speaker identification subsystem connected to the conference bridge to recognize a conferee's lips within the image of the conferee and to determine whether a conferee is speaking based, at least in part, on **distinguishing the conferee's lips and lip movements from other image features in a digital video signal** from a conference station at which the conferee is located and determining whether the lip movements are reasonably consistent with an audio signal from the conference station, the subsystem also to determine which of a plurality of conferees is speaking the loudest when multiple conferees are speaking simultaneously from different conference stations.

The Office action cites *Terui* and *Stork* as disclosing the limitations of claim 5. Specifically, *Terui* is cited as disclosing a videoconference system comprising a conference bridge for interconnecting a plurality of videoconference stations to determine whether a conferee is speaking based on voice level and amount of motion. However, the Office action states – and Applicant agrees – that *Terui* does not teach or disclose distinguishing a conferee's lips and lip movements from other image features in a digital video signal.

The Office action cites *Stork* as disclosing distinguishing a conferee's lips and lip movements from *visual data*. Applicant does not claim distinguishing a conferee's lips and lip movements from visual data. Whether or not *Stork* teaches the limitations cited in the Office action, *Stork* does not teach or disclose distinguishing a conferee's lips and lip movements from **other image features**, as recited in claim 5. In fact, *Stork* cannot teach distinguishing a conferee's lips and lip movements from other image features given that an object of the invention in *Stork* is to improve the performance of speech recognition systems that **only use** acoustic or **visual lip position information**. See column 2, lines 25-33. In other words, if only visual lip position information is being used, then *Stork* cannot teach **distinguishing** a conferee's lips and lip movements **from other image features**.

Further, *Stork* does not teach the limitation, "image features in a digital video signal," as recited in claim 5. *Stork* discusses that raw video data from a video camera are fed to the video processor subsystem, which isolates the marker images and **then** converts them to digitized video outlines. See column 4, lines 29-32. In other words, the lip markers are determined before the signal is digitized. In contrast, claim 5 recites distinguishing a conferee's lips and lip movements from other **image features in a digital video signal**. For all the reasons discussed above, Applicant submits that *Stork* fails to cure the deficiencies of *Terui* in that *Stork* fails to disclose the limitation of distinguishing a conferee's lips and lip movements from other image features in a digital video signal, recited in claim 5. Therefore, Applicant respectfully submits claim 5 is not obvious in view of *Terui* and *Stork*.

Claims 6, 9 and 29 depend from claim 5. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits claims 6, 9 and 29 are not rendered obvious by *Terui* and *Stork*.

#### Claim 10

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Terui* in view of *Stork* and further in view of Japanese Patent No. 06062400A issued to Ogata et al. (*Ogata*). For at least the reasons set forth below, Applicant submits claim 10 is not rendered obvious by *Terui* in view of *Stork* and further in view of *Ogata*.

Claim 10 depends from claim 5. As discussed above, *Terui* and *Stork* fail to teach or disclose distinguishing a conferee's lips and lip movements from other image features in a digital video signal. *Ogata* was cited as teaching a to display a red rectangular marker in a window display frame to indicate who is a speaker in order to easily specify who is a speaker. Whether or not *Ogata* actually teaches this limitation, *Ogata* does not teach or disclose distinguishing a conferee's lips and lip movements from other image features in a digital video signal. Thus, *Ogata* fails to cure the deficiencies of *Terui* and *Stork*. Therefore, Applicant respectfully submits claim 10 is not obvious in view of *Terui*, *Stork*, and *Ogata*.

#### Conclusion

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 5-6, 9-10, and 29 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account  
number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: \_\_\_\_\_

1/31/06



\_\_\_\_\_  
Gregory D. Caldwell  
Attorney for Applicant  
Reg. No. 39,926

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
Telephone: (503) 439-8778